

CONFlict / REPORTAGE

The Apparatus

Laying bare the State's terrifying impunity in Kashmir



SANJAY KAK

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| 1 | FLESH

A YOUNG KASHMIRI MAN is working in his father's paddy field, bare-chested in the humid late summer, his strong body glistening with exertion. His mother and sisters work alongside, knee-deep in water. Let's just imagine that they're humming a tune off a nearby transistor radio.

That's how the story, which I first heard almost exactly ten years back, begins—Soon an army jeep, closely followed by a truck, pulls up on the road next to their fields. The men inside appear to watch for some time. Then half a dozen armed soldiers step out briskly, and walk towards the family. There may have been an exchange of words, though later no one can confirm what was said.

noted afterwards, but great vulnerability. The women ran after the soldiers, shouting and screaming. One of them pulled off her headscarf, tossing it at the feet of the departing soldiers, in a final gesture of abject surrender. But there was no space for mercy here: these were men from the Rashtriya Rifles of the Indian Army, the much feared RR, trained for counter-insurgency, and said to be “psychologically strong”. They were not known to relent. As the olive-green truck rolled away, it was as if its engine were sucking away the very air from this landscape. For a little while longer the women could still be seen, flailing their arms in muffled, incoherent despair, and then, a heaving heap of exhausted bodies on the ground.

A week later, the young man’s father was still doing the rounds of army outposts in the area, trying to find his missing son. Dense concentric webs of barbed wire girdle these camps, with a second impenetrable ring of sandbags and metal sheets, which together buttress the nervous, edgy authority of the soldiers. Over several days the elderly man was passed on from camp to camp; after craven postures of servility and submission had been struck before soldiers and Subedars, in front of boyish Captains and Majors, he was finally ushered into the presence of “C.O. sahib”, the Commanding Officer of the unit.

Ah, that was your son, the Colonel is said to have remarked, sharp in his mint-fresh camouflage fatigues and his polished combat boots. The Colonel was almost smiling now—good-looking boy, handsome, nice strong body. He was with us, he said, but he’s gone now. As he signaled for the old man to be escorted out, the Colonel looked the father in the eye, and added—*uska maas achcha tha*. His flesh was good.

In some versions of this story, the father reports a mumbled last comment heard on his way out—it tasted good.

THE STORY MAY BE APOCRYPHAL, for I heard several variations of it during the summer of 2003, each time with all its noxious insinuations intact. From Kupwara, from Sopore, from Kulgam, whispered stories like

—independence for Kashmir—had quickly devolved into the hands of the armed mujahideen, and these groups were pretty much setting the agenda of the struggle. That paved the way for many years of a brutal counter-insurgency campaign in the valley, spearheaded by the Indian Army and its para-military forces, who were charged with neutralising the insurrection in Kashmir, what was locally called the ‘militancy’.

By 2003, with support from Pakistan beginning to dwindle, the insurgency was set to weaken. After a decade of vicious bloodletting, the Indian security apparatus in Kashmir was more confident, ready to trade that older brutality for a new regime of psychological war. This mind-bending battle of attrition was not to be played out in open confrontations between militant and soldier, but in another, more subterranean zone, peopled by government-backed militants, by ‘special’ police officers, by renegades, spies and double-agents. The story I heard had probably risen out of the toxic sludge of this ‘psy-war’.

The recently released human rights report *Alleged Perpetrators: Stories of Impunity in Jammu and Kashmir* doesn’t contain the story of a bare-bodied young man splashing his way through the paddy fields and into the back of an olive-green truck. But between its severe black covers are several hundred other stories, in meticulous detail, arranged in a matrix constructed along four chilling categories: enforced disappearance, extra-judicial killing, rape and torture. The report is the patient work of several years by two Kashmir-based human rights groups—the Association of Parents of Disappeared Persons (APDP), and the International Peoples’ Tribunal on Human Rights and Justice in Indian-Administered Kashmir (IPTK), widely known for its landmark 2009 report documenting the existence of more than 2700 unknown, unmarked and mass graves in three districts of Kashmir.

There are several cases from that year, 2003, with the place of anecdote now reassuringly taken up by verifiable detail. The report’s authors insist that all the cases in the document have been reconstructed almost entirely from

Case 178 is about Mohammad Ashraf Malik, a 25-year-old from Kupwara town, a casual employee of the Forest Department. In May 2003, he was asked to report to the Town Hall by the local Army unit, and detained along with four other young men. The others were all released shortly, he was not. A few nights later, there was a blast—and here we had best turn to the report itself:

“On 20 May 2003, the family of Mohammad Ashraf Malik was informed by the Senior Superintendent of Police [SSP], Kupwara that the victim had died in an Improvised Explosive Device [IED] blast on the previous night. One kilogram of the victim’s flesh was handed over to the family. The family of Mohammad Ashraf Malik believes that he was tortured and that the IED blast was a cover up.”

Case 55 is about Tahir Hassan Makhdoomi, a 23-year-old from Tujjar Sharief, near Sopore. The army picked him up from his home in September 2003, at 4.30 am on the morning after his wedding. The family, the report notes, had taken ‘permission’ for the wedding from the nearest Army post, a mandatory procedure in much of rural Kashmir. There were no charges against Tahir Hassan, but several months earlier his father was known to have had a disagreement with an officer, Major Rajinder Singh, at the nearby camp. The family made several trips to see the officer, but no information was forthcoming. Three days later, according to the report:

“Around 5:00 am on 15 September 2003, Major Rajinder Singh came to the house of the family of the victim and informed the father of the victim that his son had been an informer for the army and had died in an explosion during an anti-terrorist operation at Yemberzalwari. Subsequently, the left leg of the victim, the only part of his body that could be recovered from the explosion, was provided to the family of the victim. Based on the information provided by Major Rajinder Singh, only the victim was killed in this incident. Nobody from the army was injured or killed.”

(abduction, wrongful confinement, torture, extra-judicial killing), *Alleged Perpetrators* details 214 such stories over its 232 closely set pages. The report comes with the disclaimer that it's not to be considered a "definitive or exhaustive list". That's not possible in Kashmir, its authors insist, because in a zone of conflict where institutions of the State—including the judiciary, and especially the police—have proven ineffective, "a majority of the violations have not been investigated". The trail of official documents that the report deploys usually begins at a police station, with the filing of the mandatory First Information Report (FIR), and many of the cases have been investigated by the Jammu & Kashmir Police (JKP), and by its Criminal Investigation Department. Some have been scrutinised by Magisterial Enquiry, and by the State Human Rights Commission (SHRC). A few have even been argued at length before the High Court. By restricting their universe to cases documented by these official sources, its authors are able to assert that "the documents in possession of the State itself indict the armed forces and the police by providing reasonable, strong and convincing evidence on the role of the alleged perpetrators in specific crimes".

The wider intention in selecting this particular set of cases becomes clear early on—to trace the unbridled use of military and police power by the Indian state in Jammu and Kashmir, and to make palpable the overwhelming impunity that accompanies this application of state violence, all of which happens in the name of countering militant violence. But by drawing a spotlight on the identities of the perpetrators, the report also begins the process of sweeping aside the protective anonymity that has sustained impunity in Kashmir. By naming names, and placing the ranks and institutional affiliations of the perpetrators in the public domain, its authors underline the idea that "despite a culture of systemic impunity that exonerates them, it is individuals who commit violations, and they must first and foremost bear responsibility for their acts".

Protesters surround the bodies of four young men in February 2006, who were shot while playing cricket, allegedly by Indian troops. TAUSEEF MUSTAFA / AFP / GETTY IMAGES

That Indian security forces in Jammu and Kashmir have operated in a bubble of impunity is not by itself a startling conclusion. But in its detailed recounting of this closed universe of 214 cases, the report is able to take the bald, featureless idea of impunity and give it a shape and structure, outline its methods, and most of all, give its operating parts names. And it's not all history: it includes SM Sahai, currently Inspector General of Police (IGP), who as a young DSP figures in the 1990 extra-judicial killing of one man and enforced disappearance of another; and Kuldeep Khoda, former Director General of Police (DGP), who is named in the 1996 extra-judicial killing of three men at the hands of a Special Police Officer known to be close to him. By placing these "alleged perpetrators" in the dock of public opinion, the report is able to achieve a transformation in the wider discourse on human rights in the troubled valley. After years of doggedly pursuing an accurate rendition of the victims—the questions of who, when, and how many that fill most accounts of human rights violations—this report now forces us to confront a more precise account of the perpetrator. And by its systematic tracking of the cases, some of them with a paper-trail

The end result of this quiet shift will, in the long run, prove to be no less than tectonic. The narratives assembled in *Alleged Perpetrators* cumulatively make clear that these are not stories about the fog of war. These are not aberrations, or temporary acts of indiscipline, or even ‘collateral damage’. On the contrary, the brazen repetition of the same tactics, over and over again, in 214 instances, tells us that there is a deliberate, systemic, even systematic application of extreme violence.

As you turn the pages on these carefully curated cases, layer upon layer is added to our imagining of a monstrous device by which such violence is exercised, revealing a vast and well-oiled apparatus through which a restive population is sought to be controlled. It’s a machine that has been half a century in the making, its details worked out in similar situations, in Nagaland, in Manipur, in Mizoram. Its apparent capriciousness and its underlying criminality are both made possible only by impunity—by that complete freedom from the injurious consequences of an action, by the very opposite of accountability.

Alleged Perpetrators unfolds before us endless variations in the stories of this dystopia, this One Thousand and One Nights with an ever changing cast of characters. In this Hazar Dastan written up especially for Kashmir, if narratives that end in ‘flesh’ are too disturbing, for instance, try and distract yourself by looking for stories that feature ‘escape’—I counted at least ten.



Indian Border Security Force soldiers check the identification of a civilian in Srinagar. TAUSEEF MUSTAFA / AFP / GETTY IMAGES

In June 1992 Ghulam Nabi Bhat was picked up in Srinagar by the Border Security Force (BSF), and rapidly processed through at least four dreaded interrogation centers: Hariniwas (literally, “the abode of God”), Papa-2, Hotel No.3 and Hotel No.4. But it was from the heavily guarded headquarters of 107th Battalion BSF that they claimed the 21-year-old had made an escape. Ghulam Nabi has disappeared since.

In March 1993, after holding the 24-year-old Ashiq Hussain Ganai in custody for almost three weeks, the 17th Jammu & Kashmir Light Infantry reported his escape, during an ambush on a convoy in which they were moving with him. The soldiers reported no casualties, and no further proof of the veracity of their claims was ever asked for. In the second week of April, the report states, “the mutilated and decomposed body of Ashiq Hussain Ganai was recovered from the Jhelum river 40 km away from the Chatoosa Camp.”

locate militant hideouts in downtown Srinagar, the BSF told investigators, when there was sudden ‘heavy firing’ in the Kani Mazar locality, and he escaped. Mushtaq Ahmed has disappeared since. (Eyewitnesses later testified before a judicial enquiry ordered by the High Court that no firing was reported in the area that day).

Even in the constrained universe of cases brought together by *Alleged Perpetrators*, it’s difficult not to be overwhelmed by the practiced ease with which these frequent tales of “escape” have cloaked the abyss of what human-rights speak calls enforced disappearances.

In August 1990, four men were pushing their car after it broke down on the highway, not far from Baramulla town. Picked up by a passing patrol of the 46th battalion Central Reserve Police Force (CRPF), they were taken to the nearby Matches Factory camp, where after several weeks of torture, three of them were released. But not Ghulam Mohammad Lone—a day after his arrest, the CRPF said, this 40-year-old carpet seller tried to push aside a sentry and escape. There was a scuffle, and he died.

In August 1994 26-year-old Mushtaq Ahmad Wani was picked up by the 3rd Grenadiers as he waited at a bus stop in Hayan, in Kupwara district. In a report filed with the police a few days later, the soldiers acknowledged the arrest, and said arms and ammunition had been found on him. Later the same day, they filed a second report, this time to say that as Mushtaq Ahmad led them to a militant hideout on a nearby hill, he had managed to escape.

The brutal rupture of disappearances described in *Alleged Perpetrators* is often compounded by random, twisted acts of cruelty.

In November 1996, after almost 20 days in the custody of the 8th Rajputana Rifles, the family of 28-year-old Mohammad Akbar Rather was contacted by a ‘government-backed’ militant, an Ikhwani. The renegade asked the family to prepare a feast, a wazwan, for their sahib, Major Liyakat Ali Khan (his ‘operational’ name—the police records identify him as Major SS Sinah).

after he was taken into custody, Mohammad Akbar had—what else—escaped. The actions of the Ikhwani displayed a cruel malevolence. But such perverse acts of criminality must be seen as only one more blade in the apparatus of impunity, and *Alleged Perpetrators* contains dozens of cases that match it.

Manzoor Ahmad Beigh, a 40-year-old car broker from Srinagar, was picked up in May 2009 and taken to Cargo camp, another well-known interrogation centre, under the orders of Inspector Khurshed Ahmed Wani of Special Operations Group (SOG), Jammu and Kashmir Police (JKP). There were no charges against Manzoor Ahmad, just Inspector Wani weighing in to help another car broker recover an unpaid debt of Rs 40,000. When Manzoor Ahmad left Cargo camp three hours later, it was for the hospital, where he was reported dead on arrival. A later investigation by the SHRC referred to injuries on his shoulders, head, and chest, with “intraparenchymal haemorrhage” of his kidneys.

Straightforward robbery could be accommodated too. In June 1999, when Nazir Ahmad Gilkar, Javed Ahmad Shah and Ghulam Rasool Matoo were stopped for routine checking by men of the SOG, they were on their way from a wedding, and carrying a substantial amount of cash. They were dragged into the adjacent Soura Police Station, then under the watch of Sub-Divisional Police Officer Abdul Rashid Khan, the notorious ‘Rashid Billa’, from where all three disappeared. Their bodies did eventually surface. Nazir Ahmad had been thrown into the Dal lake after being tortured to death; and Javed Ahmad and Ghulam Rasool were shot dead, then buried anonymously.

| 3 | APPARATUS

TWO WEEKS AFTER *Alleged Perpetrators* was released I spoke to Kartik Murukutla, a lawyer who was part of the team that wrote the report. Murukutla drifted into Kashmir last year, not quite a tourist, he said, but not very clued into the conflict there either—drawn only by a general

working with the UN International Criminal Tribunal in Rwanda.

“The report doesn’t necessarily privilege official records over, say, oral testimonies. Nor does it assume that just because these facts are part of the official record that makes them true,” he clarified. “It’s just that by drawing on what their own records contain, we are able to draw attention to the very sophisticated way in which all standards of human rights have been lowered in Jammu and Kashmir. Formally, every stage of judicial procedure exists here, from the FIR, to the investigation, to the courts and the SHRC,” Murukutla added. “It’s only when you look beyond procedure, look at the outcome, at what they’ve actually done and said, that it becomes clear what the State is up to”.

Incidents involving the Army usually have the protection of the Armed Forces Special Powers Act (AFSPA). Under the Act, army and paramilitary officers can search homes and make arrests without warrants. They can shoot at those suspected of causing disturbance to ‘public order’, and can blow up a building or a home on suspicion that insurgents are using it. The law also protects the soldiers from being prosecuted in civilian courts without the formal approval of the central government.

In almost 20 years of the conflict, not a single case has been granted this sanction to prosecute. According to the authors of the report, this is hardly surprising, given the all-pervasive “climate of secrecy and non-disclosure, and the misuse of the sanction process”. When details of these sanctions were sought under the new Right to Information rules, the Home department of the J&K Government provided a list of 50 cases which they had forwarded for sanction to the Ministry of Home Affairs (MHA) and the Ministry of Defence (MOD) in Delhi. But a similar request made directly to the MOD yielded only 24 cases—only 10 of which were also on the list provided by the J&K Government.

What happened to the 14 cases that were missing from the J&K Government’s records? Where did the 40 cases missing from the MOD

by the MOD in 19 of the 24 cases, while 5 remained “under examination”. The stated reasons for rejection often seemed simply rubber stamped — “motivated by vested interest to malign the image of the security forces”, or “under pressure from terrorists and sympathisers”, or “to put the army on defensive”, and so on.

Riffling through the pages of *Alleged Perpetrators* gives you the feeling that you’ve been handed a scale-model of the vast mechanism of impunity that underlies the police and military control of Jammu and Kashmir. As you learn to spin the various wheels of this working model along their different axes, and watch the gears and pinions engage, you can see that the ‘escape’ stories are really the crude outer blade of this machine. And that an even more powerful mechanism sits at its middle: the entropic black hole of delay.

In the 1990 enforced disappearance of Raja Ali Mardan Khan, it took 16 years to file an FIR, which named Major Thapa of the 3rd Sikh regiment. It took 12 years for an FIR to be filed in the 1997 enforced disappearance of Mushtaq Ahmad Dar and Mushtaq Ahmad Khan, by soldiers from the 20th Grenadiers battalion. (This was six years after the High Court had ordered that this FIR be registered.) The logic in the delay of lodging FIRs is not hard to find, and is made most clear in the 1992 extra-judicial killing of Sheikh Hamza, where Captain Gorpala Singh and Subedar Charandass Singh of the 17th J&K Light Infantry were named. The fact that “FIR was lodged after 20 months from the date of operation” was eventually invoked by the Ministry of Defence to brush aside the case, on the grounds that “the individuals named in the complaint were never borne on the strength of the unit.”

The report quotes one particularly chilling circular, sent out to all police stations from the Home Department, Jammu and Kashmir in April 1992, directing them to “refuse to file FIRs against the armed forces without the approval of higher authorities, and refrain from reporting accusations of misconduct on the part of the armed forces in their daily logs”. In effect,

fact that such delays can completely paralyse even the meagre possibility of eventual judicial redress.

The agonising pace of the process leaves its anesthetising effect over many of the cases in the report. In the absence of timely investigation, any later imprecision by the families of the victims around ‘facts’ become a ground for denial. It is this institutional culture of moral, political and juridical impunity, the report notes, that has resulted in “enforced and involuntary disappearance of at least 8000 persons, besides more than 70,000 deaths, and disclosures of more than 6000 unknown, unmarked, and mass graves”.

“That failure to deliver justice is actually its success,” Kartik Murukutla told me. “That’s what it’s meant to do; it’s meant to fail.”

IF THERE IS AN AXIS ALONG WHICH JUSTICE can be slowly approximated, then the apparatus of impunity seems designed to grievously wound those who try and make their way on it. Across the array of 214 cases in *Alleged Perpetrators*, you can read a consistent pattern in the cuts deployed by the machinery of the State: Delay. Distract. Divert. And if that doesn’t work: Subvert, Suborn, Seduce, and Bribe.

This usually begins with the ‘ex-gratia’ government relief, payable for “death or disability as a result of violence attributable to the breach of law and order or any other form of civic commotion”. That’s far too genteel a description for the instances in this report, many of which read like straightforward executions. But the ex-gratia is at least doled out quickly, a secular version of blood money, usually around Rs 100,000, drawing distraught families into a relationship with the state, which they may be loathe to do otherwise. The more elusive promise comes from the enigmatically titled “SRO-43”, the Statutory Rules and Orders that govern “compassionate employment of family members of victims of militant related action or other specified reasons”. Here, the possibility of a government job is held out as a palliative, a means of tempering the anger of the victim’s families over a longer time span. You may never get that

The futility of such compassion, and the deep cynicism underlying it, is of course obvious to everybody it touches, because the entire mechanism is otherwise constructed around incentives that encourage the killing of ‘militants’. Everything else we now recognise as the back teeth of the machine necessarily rolls along in the wake of that juggernaut of killing: extortion, fake encounters, reward money.

A group of Indian army soldiers pose next to the bodies of suspected militants in Machil in June 2006. LT COLONEL VK BATRA PRO INDIAN ARMY / HANDOUT / REUTERS

Nothing illustrates this better than some of the names that show up repeatedly in the report, like Major Avtar Singh, who was involved in the well-known abduction and extra-judicial killing of the human rights lawyer Jaleel Andrabi in 1996. In that same year Major Avtar Singh was also involved in two other cases—abduction (with intention of extortion), and abduction and enforced disappearance. The next year the Major is named in the extra-judicial killing of five men (some of whom may themselves have been involved in the killing of Jaleel Andrabi, so this was probably the

Major Avtar Singh was never brought to trial. Despite the cases against him, despite a 1997 High Court order ordering the government to impound his passport, he was able to flee to Canada with his family in 2006, from where he eventually moved to the United States. He last resurfaced in tragic circumstances, early one morning in June 2012, when he called the police in Selma, California, to announce that he had just shot dead his wife and two sons, and was about to shoot himself. This last act of inward violence may have been interpreted by some as divine intervention, but it surely cannot count as justice.

Police exhume the body of Abdul Rehman Padder, who was killed in an encounter in Ganderbal in December 2006. JAVED DAR

Another name that figures frequently is Hans Raj Parihar, who as a Deputy Superintendent of Police (DSP) was named in the 1997 enforced disappearance of Fayaz Ahmad Beigh, a cameraman from University of Kashmir. In 2001, as a Superintendent of Police (SP), his name figures in

Senior Superintendent of Police (SSP), Hans Raj Parihar was named in the extra-judicial killing of Abdul Rehman Padder, a carpenter who was lured by the offer of a well-paying job, killed in a fake encounter, and buried. (Abdul Rehman the carpenter was then invested with the identity of Abu Hafiz, a foreign militant, and financial rewards were given to his killers.) SSP Parihar's luck turned with this one, for he possibly misread the breeze. The case became extremely visible, and he was eventually indicted and sent to jail, where he remains.

It's the only case amongst the 214 listed in *Alleged Perpetrators* where there's been a conviction.

| 4 | PERPETRATORS

WHAT GREASES THIS MONSTROUS SYSTEM, and keeps it running with no end in sight, like a perpetual-motion machine, is the system of promotions and financial rewards, what *Alleged Perpetrators* calls the “incentivising” of impunity. We know that the man who lured Abdul Rehman Padder into the encounter received Rs 120,000 for his troubles, and that the police “encounter party” shared a reward of Rs 100,000. But we don't know how much SSP Hans Raj Parihar received, or what kind of cash other police officers are able to pull in. A request for details of these incentives, filed under the Right to Information laws, was denied, the report tells us. The J&K Government would only confirm that 2226 police officials had received out of turn promotions for “anti-militancy operations”, and that 560 police officials had received awards for “gallant acts”. Names of these policemen, as well as the “militants” they were rewarded for killing, must remain secret, the Government said in a written reply, because disclosure would “hit the sentiments of the general people and create unrest and law and order problem”.

The secrecy around these incentives is periodically broken only by the proclamation of State awards and medals. SP Altaf Ahmad Khan, an accused in the 2004 custodial rape and torture of a 16-year-old girl in

Sopore, the last case in the report. Despite the notoriety, SP Altaf Ahmad Khan was given a gallantry award on India's Republic Day in January 2012, and a President's Police Award for Gallantry on Independence Day later that year.

"Most of the people involved in these cases are doing what they do for the money," Khurram Parvez told me recently over a video chat. One of the key researchers and writers of *Alleged Perpetrators*, the feisty Khurram is an important figure in the modest universe of what they call "human rights defenders" in Kashmir. For over a decade he's been at the heart of its most important interventions, including the IPTK's landmark report on unidentified graves. "It's this corruption of incentives that has created a vested interest here, and brutalised our society and created these creatures," he said.

And the longer such brutalisation and corruption stays unaddressed, the more volatile and uncontrollable the anger becomes. In 2010, it was the “Machil” killings that became a crucial trigger for unprecedented outrage in Kashmir, leading to sustained mass street protests that paralysed the valley for at least six months over the summer. It’s here as Case 205, with three men lured from their homes in Nadihal, Baramulla in April 2010 by Army informers, on the promise of well-paid high-altitude porter work. The three were killed in a fake encounter a few days later, by the 4th Rajputana Rifles, who then presented the bodies as those of important foreign militants. The evidence on record with the police against the Army officers and their subordinates seems straightforward enough. But the case finds itself pulled out of the already slow grind of the civilian criminal courts, from where it has disappeared into the opaque justice system of the Army’s Court Martial. No one expects to hear about it soon.

No one anticipates an early resolution to the older “Pathribal” killings of March 2000 either. That’s Case 155, when five men were killed in a fake encounter staged by the 7th Rashtriya Rifles, and their bodies proudly produced as those of the militants responsible for the heinous killing of 35 Sikhs in Chattisinghpura in South Kashmir. Cosseted by the blanket legal immunity offered by the AFSPA, the soldiers named as perpetrators have moved on with life. (We know that the C.O. sahib, Colonel Ajay Saxena, was promoted to Major General; and that Major Brijendra Pratap Singh was subsequently made a Lieutenant Colonel.)

“We had some debate internally about calling out the names of perpetrators,” Khurram said. “This is, after all, still a zone of active conflict, and the violence is still all around us.” There were apprehensions that it might provoke a backlash from some of the perpetrators, or that it might incite many ordinary Kashmiris to violence. “We went through the same apprehensions when we were coming out with the Mass Graves report too—and that probably had an even bigger emotional impact on people here.” The fears proved to be misplaced, and eventually neither document

confidence.

In off-the-record conversations with him, Khurram said, several senior police officials have even welcomed the attention that the report draws to the monetary rewards, for it's becoming clear even from within that the incentives have led to a massive perversion of the system.

"There's a very important link between these incentives and the occupation of Kashmir," Khurram Parvez concluded. "Stop this corruption, and I don't think that the occupation will even last a day."

AT THE BACK OF THE *ALLEGED PERPETRATORS* report is a full list of the 500 names, from the Army, the Para-military forces, the J&K Police, and from the loose assemblage of Government-backed militants. Here, senior police officials, like the former DGP and the present IGP, are joined by two Major Generals, three Brigadiers, nine Colonels, three Lieutenant Colonels, and 78 Majors from the Army—the brass is fairly blinding. When these seasoned veterans hear of the report, will they want to pore over it, looking for their names? Will they worry? Will young policemen and army officers also read it, and pause to think about the battle they have signed up for, and look for a different compass to help them find a way out?

The Army's official response to the report was predictable: a spokesman dismissed it as the mere "collation of unsubstantiated allegations aimed at maligning the Army". The state government's first response was to call it a "serious" matter, but then the same week, they proceeded to promote two senior police officers who figure in the list.

Looking at this list of 500 names, I could not but wonder if there are no soldiers and policemen in Kashmir who have had a moment of bad conscience, or an urge to break ranks? Did any of them ever feel the moral pressure to turn whistle-blower? We'll probably never know. But in the printed report, I found traces of only one.

It's a story that I knew already, and this one doesn't end well either.

Jammu. They too had been lured into coming to Kupwara with that familiar offer of highly paid work as porters. They too were killed in cold blood, with the 18th RR filing a routine report at the Lalpora Police Station: an encounter, they said, and two dead ‘terrorists’ to be buried. This was 20th April 2004.

A few months later, some Muslim families from Ganderbal were told that the buried men might be their missing kin, and were swiftly given permission to exhume the bodies. They were almost encouraged to take the bodies away and re-bury them in their family graveyard. The story could have ended with that interment: one set of disappeared men transformed into another. Messy, even tragic, but no one would have known better. But tucked in at the tail end of case is the sting, a mention of an Army officer connected to the killings, a Captain Sumit Kohli, who was subsequently “found dead”.

In this last story of our selections from the Hazar Dastan, we’ll have to stray away from *Alleged Perpetrators*, and reconstruct the conclusion from newspaper archives. This part is triggered by a letter that Meso Devi, wife of Ram Lal, one of the four dead men, received in June 2005. Written in Hindi, it informed her about the fake encounter and gave explicit details of the involvement of officers and men of the 18th RR. It was signed anonymously —*aap ka sainik, insaniyat ka pujari* (your soldier, worshipper of humanity). Someone—obviously a witness to the killing and burial of the four—had picked up their identity cards, found an address, as well as the courage to write the letter.

Eventually, some family members of the missing men arrived at the Lalpora Police Station, and by the end of 2005, the whole case exploded into public view. In the subsequent Court of Enquiry conducted by 18th RR, Captain Sumit Kohli was also a witness. In March 2006, this outstanding young officer was awarded a Shaurya Chakra, a prestigious medal for gallantry, for his courage in fighting ANEs (Anti National Elements, in the jargon). Five weeks later, the Captain was dead, shot in the head with an AK-47. Self-

Captain Kohli's father had a cerebral haemorrhage on hearing the news, and died a few days later, to be cremated only a day after his son. That left behind a grieving mother and a pregnant wife, and for many years the two women bravely campaigned to clear the air: they were convinced that their Sumit was no quitter, and that he had been killed for daring to lift the lid on the killings of the four civilians.

This footnote to Case 185, the young soldier who worshipped humanity, *insaniyat ka pujari*, was the one exception to have crossed the line, to become a possible witness, and maybe a whistle-blower. He was truly a *shahid*, both witness and martyr.

All through the pages of *Alleged Perpetrators*, making your way through case after case of the most disturbing instances of impunity, of a callous disregard for humanity, it's not just the victims (or the perpetrators) alone whose stories take you in. Often it's the witnesses, the brave souls who were present at the sites of abductions, who were present in police lock-ups and interrogation centers and torture chambers, taking their own punishment, but emerging with stories of those who perhaps didn't make it. They are the witnesses to the silently borne rape of women, to the custodial killings, and the large-scale massacres. Without them the work of a volume like *Alleged Perpetrators* would be impossible. With each story that is told with care and caution, it's that collective memory, painfully garnered, which promises to become the keen edge of justice in the future. That alone can blunt the teeth of the monstrous machine of impunity.

SANJAY KAK is a film-maker and occasional writer, whose recent work includes the documentary *Jashn-e-Azadi—How we celebrate freedom* (2007) about the conflict in Kashmir. He is the editor of the anthology *Until My Freedom Has Come—The New Intifada in Kashmir* (Penguin India 2011).

Alleged Perpetrators

APDP

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Rashtriya Rifles

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human rights abuses

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